IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

IN RE SUBPOENA TO TRINITY CONSULTANTS, INC.	§ §	
TRINITY CONSULTANTS, INC., Non-Party Movant	9 9 9	
SIERRA CLUB, Plaintiff v. WOODVILLE PELLETS LLC,	\$ \$ \$ \$ \$ \$ \$ \$	Case No. 1:21-MC-573-RP-SH (Underlying Case No. 9:20-CV-178-MJT)
Defendant	§	

ORDER

Before the Court are Non-Party Trinity Consultants Inc.'s Motion to Quash Plaintiff's Subpoena to Produce Documents or, Alternatively, Motion for Protective Order, filed June 25, 2021 (Dkt. 1); Defendant Woodville Pellets, LLC's Opposed Motion to Quash or Modify, or, in the Alternative, Motion for Protective Order as to Plaintiff's Subpoena to Third-Party Trinity Consultants, Inc., filed July 12, 2021 (Dkt. 4); and Woodville Pellets, LLC's Unopposed Motion to Transfer Pursuant to Federal Rule of Civil Procedure 45(f), filed July 12, 2021 (Dkt. 5). The District Court referred the motions to the undersigned Magistrate Judge for resolution, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas.

Plaintiff Sierra Club filed suit in the Eastern District of Texas, Lufkin Division, against Defendant Woodville Pellets, LLC ("Woodville"), alleging violations of the Clean Air Act at Woodville's wood pellets manufacturing facility in Woodville, Texas. *See Sierra Club v. Woodville Pellets LLC*, 9:20-CV-178-MJT. On June 10, 2021, Sierra Club served a Subpoena to

Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

("Subpoena") on Non-Party Trinity Consultants Inc. ("Trinity") requiring compliance in the

Western District of Texas, Austin Division. Woodville and Trinity filed the instant Motions to

Quash the Subpoena pursuant to Federal Rule of Civil Procedure 45(d)(3)(A). Woodville now asks

the Court to transfer the Motions to Quash to the Eastern District of Texas pursuant to Federal

Rule of Civil Procedure 45(f). Trinity consents to the transfer, Dkt. 5 at 7, and Sierra Club does

not oppose the Motion to Transfer, Dkt. 3.

Federal Rule of Civil Procedure 45(f) provides that "the court where compliance is required

... may transfer" a motion to quash "if the person subject to the subpoena consents or if the court

finds exceptional circumstances." Because Trinity consents to the transfer, and Sierra Club does

not oppose the Motion to Transfer, the Motions to Quash should be transferred to the Eastern

District of Texas.

Accordingly, Woodville's Unopposed Motion to Transfer the Motions to Quash Pursuant to

Federal Rule of Civil Procedure 45(f) (Dkt. 5) is GRANTED. The Court HEREBY

TRANSFERS the Motions to Quash (Dkts. 1 and 4) to the Lufkin Division of the Eastern District

of Texas, where the underlying lawsuit is pending.

IT IS FURTHER ORDERED that this cause of action is CLOSED.

SIGNED on July 13, 2021.

SUSAN HIGHTOWER

UNITED STATES MAGISTRATE JUDGE

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